

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CHRISTOPHER J. FAUCETT
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
MOTION FOR ORDER
REQUIRING TRANSPORT AND
FOR WRIT OF HABEAS CORPUS
AD PROSEQUENDUM

Case No. 2:03-CR-588 TS

Defendant, acting pro se, is in the custody of the Bureau of Prisons (BOP). By the present Motion, Defendant requests transportation for the purpose of obtaining medical tests but submits a subsequent pleading showing that the person with whom Plaintiff seeks medical tests is no longer practicing medicine.¹ Therefore, the Motion must be denied.

Further, for Defendant's future reference, the Court notes that under the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e(a), any challenge to the conditions of his


¹See Docket No. 42, at 2.

confinement, such as a perceived lack of medical care, must be raised by a civil case² after he has fully exhausted of administrative remedies with the BOP.³ Therefore, such claims regarding medical care while in the custody of the BOP would not have been addressed by this Court as part of this closed criminal case. Accordingly, it is

ORDERED that Defendant's Motion for Order Requiring Defendant's Transport and for Writ of Habeas Corpus Ad Prosequendum (Docket No. 42) is DENIED.

DATED December 10, 2007.

BY THE COURT:



TED STEWART
United States District Judge

²See *Simmat v. United States Bureau of Prisons*, 413 F.3d 1225, 1231-32 (10th Cir. 2005) (discussing forms of relief available for various claim against federal prison dentists).

³See *Laubach v. Scibana*, 230 Fed.Appx. 839, 839 (10th Cir. 2007) (holding that unexhausted claims must be dismissed when issue raised as an affirmative defense).